

HOUSE BILL REPORT

ESB 5816

As Reported By House Committee On:
Local Government

Title: An act relating to enabling counties planning under chapter 36.70A RCW to create nine lots in a short subdivision within a designated urban growth area.

Brief Description: Enabling counties planning under chapter 36.70A RCW to create nine lots in a short subdivision within a designated urban growth area.

Sponsors: Senators Haugen, McCaslin, Patterson, Gardner and T. Sheldon.

Brief History:

Committee Activity:

Local Government: 3/29/99 [DPA].

Brief Summary of Engrossed Bill
(As Amended by House Committee)

- Allows counties planning under the Growth Management Act that have adopted comprehensive plans and development regulations in compliance with the Growth Management Act to increase the number of lots, tracts or parcels in a short subdivision from four to nine within urban growth areas.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass as amended. Signed by 5 members: Representatives Mulliken, Republican Co-Chair; Scott, Democratic Co-Chair; Mielke, Republican Vice Chair; Erickson and Fortunato.

Minority Report: Do not pass. Signed by 1 member: Representative Fisher.

Staff: Caroleen Dineen (786-7156).

Background:

A property owner generally must have a proposed land division reviewed by the county, city, or town in which the land is located pursuant to a local short subdivision or

subdivision ordinance. Subdivisions are defined as land divisions resulting in five or more lots, tracts or parcels for the purpose of sale, lease or transfer. A short subdivision is a land division or redivision resulting in four or fewer lots, tracts, or parcels.

A city or town may provide by local ordinance for short subdivision of up to nine lots, tracts or parcels. Counties are not authorized to increase the number of lots, tracts, or parcels in a short subdivision by local ordinance.

Local legislative authorities must adopt procedures for summary approval of short subdivisions by administrative personnel and must approve subdivisions. The approval process requires the filing of a preliminary plat of the proposed subdivision and includes notice and comment requirements. Before either a short subdivision or other subdivision may be approved, written findings must be made the proposed short subdivision or subdivision makes appropriate provisions for the public health, safety, and general welfare and serves the public use and interest.

The Growth Management Act (GMA) requires all counties and cities in the state to designate and protect critical areas and to designate natural resource lands. In addition to other requirements for counties and cities planning under RCW 36.70A.040 (GMA jurisdictions), a GMA jurisdiction is required to designate an urban growth area(s) and to adopt a comprehensive plan and implementing development regulations within four years of the date the GMA jurisdiction became required or chose to plan under RCW 36.70A.040.

Summary of Amended Bill:

Counties planning under RCW 36.70A.040 that have adopted a comprehensive plan and development regulations in compliance with the GMA may by ordinance increase the number of lots, tracts or parcels regulated as short subdivisions to a maximum of nine within urban growth areas.

Amended Bill Compared to Engrossed Bill: The amended bill deletes the provision exempting conservation parcels from statutory subdivision requirements and specifying requirements for local ordinances authorizing conservation parcel creation.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Amended Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: Many counties already consider land divisions of nine lots categorically exempt from the State Environmental Policy Act (SEPA) process and use their GMA plans and development regulations to address land division impacts. This bill is the logical next step in implementing GMA comprehensive plans by allowing for efficient and predictable infill within urban growth areas. The short subdivision process saves time and expense. Because GMA development regulations have become more uniform and complete, a public hearing process for small subdivisions adds no value but takes considerable staff time. This bill changes only the process, not the substantive requirements, for these land divisions, and will not affect the notice and appeal procedures. All counties, not just GMA counties, should have this option. This bill is important to help ensure housing affordability and to allow development to proceed at a faster pace.

The striking amendment deletes very broad language creating concerns for counties and others.

Testimony Against: None.

Testified: Jodi Walker, Building Industry Association of Washington; Bryan Wahl, Washington Association of Realtors; Dennis Derickson, Snohomish County; and Paul Parker, Washington State Association of Counties.